IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7782 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVIND MOHANBHAI PARMAR - Petitioner(s)
Versus
CORPORATION BANK & 1 - Respondent(s)

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Appearance :

MR DHIRENDRA MEHTA for Petitioner(s) : 1,
MR AD OZA for Respondent(s) : 1,
MR VIPUL A. MISTRY, ASST. GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction and/or order directing

the respondents to include his name in the merit list of candidates who had appeared in interview on 18-11-1996 for empanellment of temporary sub staff at the branches/offices of the respondent Corporation Bank, as he cannot be said to be overaged for the purpose of initial engagement or employment with the respondent Bank for the post of peon in sub staff cadre.

2. It is the case on behalf of the petitioner that his name was recommended/sponsored by the District Employment Exchange and his name was recommended to the respondent Corporation Bank for the recruitment to the post of peon and the Assistant Director, District Employment Exchange, Ahmedabad by communication dated 20th September 1996 informed the petitioner accordingly. By order dated 19-10-1996, the petitioner was called for the interview on 18-11-1996 and accordingly the petitioner appeared in the interview. It is the case on behalf of the petitioner that he was found successful in the interview on 18-11-1996 for empanellment of temporary sub staff at the branches/offices of the respondent Corporation Bank situated at Ahmedabad and was shown at serial No.5 in the notified merit list which was prepared and notified. That the petitioner after waiting for reasonable time sent a letter to the respondent Bank on 5-7-1987 requesting to issue appointment order. However, the petitioner received the impugned communication dated 31-7-1997 by which the petitioner was informed that the name of the petitioner is to be struck of from the list as the petitioner is over

age, meaning thereby completed crossed 31 years at the time of initial engagement. Being aggrieved by the same, the petitioner has preferred the present Special Civil Application.

3. An additional affidavit is filed on behalf of the respondent No.1 pointing out that the list of candidates which is annexed with the petition at Annexure B has been scrapped in the year 1997 and after interview dated 8-8-1998, a new list was prepared in the year 1998 which is in existence till date. On merits also, it is also submitted on behalf of the respondent Bank that an identical petition came to be dismissed by the Karnataka High Court and the stand of the respondent that upper age limit of 31 years is required to be considered on the date of such an appointment has been confirmed.

4. Considering the fact that the list upon which the petitioner has relied upon is already scrapped in the year 1997 and that a fresh list has been prepared in the year 1998 after fresh interview and the said new list is in operation, under the circumstances, no order is required to be passed on the basis of the list which is already scrapped. Even otherwise, an identical question came to be considered by the Karnataka High Court and the stand of the respondent that upper age limit of 31 years is required to be considered on the date of such an appointment has been confirmed. Under the circumstance on merits also, the petition deserves dismissal.

5. For the reasons stated above and considering the fact that the petitioner had crossed 31 years of age at the time of initial engagement which was the maximum age limited prescribed, it cannot be said that the name of the petitioner has been illegally and/or arbitrarily struck of from the panel. Under the circumstance, the petition fails and is dismissed accordingly. Rule discharged. No costs.

(M.R. SHAH, J.)

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